

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE MIGUEL AVALOS,

No. C 08-0949 WHA (PR)

Petitioner,

**ORDER OF DISMISSAL**

v.


BEN CURRY, Warden,

Defendant.

This is a habeas case filed by a California prisoner proceeding pro se. On September 4, 2009, the clerk sent a copy of the order granting petitioner's request for an extension of time to petitioner at the prison address where petitioner indicated in his petition that he was located. The clerk had previously sent all communications from the court to petitioner at this same address. On September 9, 2009, however, the order granting an extension of time was returned as undeliverable with a notation that petitioner is not located there. Petitioner has not notified the clerk of any change of address. As more than sixty days have passed since the mail was returned, and petitioner has not notified the clerk of any change in address, this case is **DISMISSED** without prejudice. See Local R. 3-11(b).

**IT IS SO ORDERED.**

Dated: January 22, 2010.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE